Government of
Saskatchewan

# Annual Report
# 1987

# Saskatchewan
# Public and Private
# Rights Board

# ANNUAL REPORT - 1987

# PUBLIC AND PRIVATE RIGHTS BOARD

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**Saskatchewan**

Saskathewan
Public and Private
Rights Board

860 - 1914 Hamilton Street
Regina, Saskatchewan
S4P 4V4

. January 29, 1988

Honourable Grant Devine
President of the Executive Council

Dear Mr. Premier:

As per Section 6 (3) of the Expropriation Procedure Act I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 1987 to December 31, 1987.

Respectfully submitted,

Pauline A. Duncan
Chairman

PAD/mw

The Public and Private Rights Board staff as at December 31, 1987:

Ms. Pauline A. Duncan, Chairman

Mr. Glen T. Hamilton, Director

Mrs. Marion Windrum, Secretary

## REPORT ON ACTIVITIES

In 1987, the Public and Private Rights Board received Thirty-Four (34) requests from landowners to review matters relating to expropriation or intentions by expropriating authorities to acquire land. Of this total, Seventeen (17) were requests to review the route, situation or design of a public improvement or a proposed public improvement as per Section Seven (7) of the Expropriation Procedure Act, and Seventeen (17) were requests to review the amount of compensation offered as per Section Eight (8) of the Expropriation Procedure Act.

During 1987, the Public and Private Rights Board concluded its investigations and reviews, negotiations and mediations between landowners and expropriating authorities resulting from Forty-Five (45) requests from landowners. Twenty-Two (22) of the cases concluded by the Board in 1987 were in regard to the route, situation or design of a public improvement. Seven (7) of these included route, situation or design cases which had been carried over from 1986 while the remaining Fifteen (15) were requests for review made to the Board during 1987. Twenty-Three (23) of the cases concluded in 1987 were in regard to the amount of compensation offered for expropriated lands. Four (4) of the concluded compensation negotiations were from cases received and

investigated by the Board commencing in 1984, Three (3) were from cases received and investigated by the Board commencing in 1985, Fifteen (15) were cases received and investigated by the Board commencing in 1986 and one (1) of the concluded compensation negotiations was from a request received and reviewed during 1987.

The disposition of cases negotiated and mediated to conclusion by the Board during 1987 are outlined below.

Three (3) of the Seven (7) route, situation or design cases received by the Board during 1986 and concluded during 1987 were in regard to Saskatchewan Telecommunications buried cable easements. Of these Three (3) cases, Two resulted in modifications satisfactory to both the landowners and to Sask-Tel while the remaining One (1) of these cases resulted in no change to Sask-Tel's proposal.

Three (3) of the Seven (7) route, situation or design cases received by the Board during 1986 and concluded during 1987 were in regard to Saskatchewan Power Corporation above ground electrical transmission line easements. One (1) of these cases resulted in changes satisfactory to both the landowner and to Sask. Power while the other Two (2) of these cases resulted in no changes to the design or route of the Sask. Power proposal.

One (1) of the Seven (7) route, situation or design cases received by the Board during 1986 and concluded during 1987 was in relation to a Saskatchewan Highways proposal to construct a new highway. The route chosen for further study did not result in a direct impact on the landowner's land and thus the case was concluded to the satisfaction of the landowner.

Thirteen (13) of the Fifteen (15) route, situation or design cases received by the Board and concluded during 1987 were in regard to Saskatchewan Telecommunications buried cable easements. Of these Thirteen (13) cases, Four (4) resulted in modifications to the route of the easement or the situation of above ground obstacles satisfactory to both the landowners and to Sask-Tel while Nine (9) resulted in no changes being made.

One (1) of the Fifteen (15) route, situation or design cases received by the Board and concluded during 1987, was in regard to a Saskatchewan Highways proposal to widen and re-route a portion of an existing highway. Modification to Saskatchewan Highways plans were made in such a manner as to be satisfactory to both the landowner and Saskatchewan Highways.

One (1) of the Fifteen (15) route, situation or design cases received by the Board and concluded during 1987, was in regard to the use of a Saskatchewan Power Corporation access road. An agreement satisfactory to all parties was successfully negotiated.

Three (3) of the Four (4) compensation cases received by the Board during 1984 and concluded during 1987 were in regard to Saskatchewan Telecommunications expropriated easements for buried cable. In all of these cases, an agreement providing for compensation in addition to the amount of the formal offer of compensation and/or the provision of mitigating measures by Sask-Tel was arranged to the satisfaction of the landowner and to Sask-Tel.

One (1) of the Four (4) compensation cases received by the Board during 1984 and concluded during 1987 was in regard to a Saskatchewan Power Corporation buried gas transmission line. An agreement satisfactory to both sides was negotiated and implemented.

One (1) of the Three (3) compensation cases received by the Board during 1985 and concluded during 1987, was in regard to a Saskatchewan Highways expropriation of land in fee simple for the re-routing of a highway. The Board's investigation and negotiations did not result in a

change to the amount of compensation offered by the formal offer. However, Saskatchewan Highways undertook to provide additional measures which improved the landowners access to, and use of, his land. This was to the landowner's satisfaction.

One (1) of the Three (3) compensation cases received by the Board during 1985 and concluded during 1987, was in regard to a Saskatchewan Telecommunications Easement for a buried cable. In this case, the landowner and Sask-Tel agreed to cancel the expropriation and enter into an Easement agreement wherein Sask-Tel agreed to provide in the future additional mitigating measures if necessary, in addition to providing compensation for damages resulting from the installation of the buried cable.

One (1) of the Three (3) cases received by the Board during 1985 and concluded during 1987 was in regard to a Conservation and Development Area Authority expropriation of an easement for a drainage ditch. This expropriation occurred in 1977, and as a result of disagreements and misunderstandings, no agreement nor payment by the expropriating authority was ever made although a Court action had been commenced but not concluded. The matter was successfully negotiated to a conclusion by the Board in which an agreement was entered into by the Area Authority and the

landowner providing for an amount of compensation agreeable to both parties.

Nine (9) of the Fifteen (15) compensation cases received by the Board during 1986 and concluded during 1987 were in regard to the amount of compensation offered by Saskatchewan Telecommunications for easements expropriated for buried Telecommunications cables. Five (5) of these Nine (9) cases resulted in an agreement being reached between the landowner and Sask-Tel either providing for an amount of compensation in addition to the amount of the formal offer or providing for Sask-Tel's provision of mitigating measures. Four (4) of these Nine (9) cases resulted in no change to the amount of compensation offered by Sask-Tel. This was accepted by two (2) of these Four (4) landowners. One (1) of the landowners dissatisfied with the result of negotiations asked that the matter be reviewed by the Office of the Ombudsman. The landowner believed that Sask-Tel's compensation policies discriminated on the basis of marital status. Our Board provided our files on this matter to the Ombudsman. The other of these landowners who was dissatisfied with the result of negotiations sought legal counsel to pursue the matter further.

Five (5) of the Fifteen (15) compensation cases received by the Board during 1986 and concluded during 1987

were in regard to Saskatchewan Power Corporation expropriations. Two (2) of these Five (5) cases were in regard to compensation for an easement expropriated for the construction of a proposed electrical transmission line. These cases included a dispute between a landowner and a tenant, and between the landowner and tenant and Sask. Power. In this case appropriate compensation for disruption of plans to construct an airplane landing site for a crop spraying operation was in contention. The landowner and tenant did not provide adequate documentation for the claims being made and, as a result, no change was made to the formal offer of compensation and no agreement was entered into by the parties involved. One (1) of these five (5) cases was in regard to the amount of compensation offered by Sask. Power for a gas transmission line easement. Negotiations resulted in an agreement for damages from construction in addition to the formal offer of compensation. One (1) of these Five (5) cases was in regard to a dispute resulting from a misunderstanding as to the nature of a previously signed easement agreement and from damages which occurred as a result of an oil spill. This spill occurred when an oil transmission line was cut during installation of a Saskatchewan Power gas transmission line. The matter was resolved by the payment of monetary compensation satisfactory to all parties. One (1) of the Five (5) cases was in regard to the amount of compensation for lands expropriated in fee

simple by Sask. Power for the Nipawin Hydro Electric Project. An agreement providing for compensation for the lands expropriated, damages, interest and a lease-back provision was negotiated to the satisfaction of the landowner and Sask. Power.

One (1) of the Fifteen (15) compensation cases received by the Board during 1986 and concluded during 1987 was in regard to the amount of compensation offered by a Conservation and Development Area Authority for the expropriation of an easement for a drainage ditch. The Board's investigations resulted in a recommendation to the landowner and to the Area Authority that the compensation was fair and just but that an undertaking to provide additional maintenance works in the future if necessary be agreed to by the area authority. This was accepted by both parties.

The One (1) compensation case received and concluded by the Board during 1987 was in regard to a claim against Saskatchewan Highways for compensation for disturbances including legal expenses incurred in negotiating a settlement with Saskatchewan Highways. This case was resolved by agreement providing for some compensation for that claim.

In addition to the Forty-Five (45) cases described

above which were concluded during 1987, the Public and Private Rights Board investigated and negotiated Fifty-Five (55) cases which were unresolved at the end of the year. Thus, during 1988, the Public and Private Rights Board will continue investigations and negotiations on One (1) compensation case which was received by the Board during 1985, on Twenty-Six (26) route, situation or design cases which were received by the Board during 1986, (23 of which are related to One (1) project on which a decision by the proponent is expected shortly), on Ten (10) compensation cases received by the Board during 1986, on Two (2) route, situation or design cases received by the Board during 1987 and on Sixteen (16) compensation cases received by the Board during 1987.

The Public and Private Rights Board has continued its discussions with expropriating authorities on the policies, practices and prodecures of those expropriating authorities in acquiring land. In particular, we have expressed our concern as to the extent of differences between expropriating authorities in regard to the amount of compensation offered by those authorities for easements acquired. We have sought ways to induce expropriating authorities to include the concerns, opinions and recommendations of landowners in the decision making processes involved in designing and implementing public improvements.

The Public and Private Rights Board continues to enjoy and appreciate co-operation from all the expropriating authorities which the Board is empowered to investigate and negotiate.

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PUBLIC AND PRIVATE RIGHTS BOARD

SECTION 6 (3), EXPROPRIATION PROCEDURE ACT

TABLE 1

| | | | |
|---|---|---|---|
| (A) | Number of investigations undertaken by the Board | | 34 |
| | Nature of each: | | |
| | Route, situation or design | 17 | |
| | Compensation | 17 | |
| (B) | Number of claims negotiated by the Board | | 101 |
| | Nature of each: | | |
| | Route, situation or design | 51 | |
| | Compensation | 50 | |

## TABLE 2

Number of Investigations undertaken by the Board by Expropriating Authority Involved, 1987

| Expropriating Authority | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| Conservation & Development Area Authority | | 1 | 1 |
| Saskatchewan Highways | 1 | 1 | 2 |
| Saskatchewan Power Corporation | 1 | 0 | 1 |
| Saskatchewan Telecommunications | 14 | 14 | 28 |
| Miscellaneous | 1 | 1 | 2 |

## TABLE 3

Number of claims negotiated by the Board by

Expropriating Authority Involved, 1987

| Expropriating Authority | Route | Compensation | Total |
|---|---|---|---|
| Conservation and Development Area Authorities | | 4 | 4 |
| Saskatchewan Highways | 4 | 3 | 7 |
| Saskatchewan Power Corporation | 27 | 7 | 34 |
| Saskatchewan Telecommunications | 19 | 35 | 54 |
| Miscellaneous | 1 | 1 | 2 |

TABLE 4

Number of investigations undertaken by the Board 1977 - 1987.

| Year | Route, Situation or Design | Compensation | Miscellaneous | Total |
|---|---|---|---|---|
| 1977 | 20 | 30 | 7 | 57 |
| 1978 | 11 | 12 | 3 | 26 |
| 1979 | 3 | 15 | 4 | 22 |
| 1980 | 4 | 9 | 3 | 16 |
| 1981 | 53 | 55 | | 108 |
| 1982 | 38 | 58 | | 96 |
| 1983 | 3 | 8 | | 11 |
| 1984 | 8 | 22 | | 30 |
| 1985 | 8 | 12 | | 20 |
| 1986 | 52 | 31 | | 83 |
| 1987 | 17 | 17 | | 34 |

TABLE 5

Number of Investigations undertaken by the Board by

Expropriating Authority Involved, 1977 - 1987

| Year | Sask. Agriculture | Sask. Highways | Sask. Parks & Renewable Resources | Sask. Power | Sask. Supply & Services | Sask Tel | Miscellaneous |
|---|---|---|---|---|---|---|---|
| 1977 | 5 | 3 | - | 13 | 16 | 13 | 7 |
| 1978 | 2 | 4 | 1 | 1 | 5 | 5 | 3 |
| 1979 | 3 | 9 | - | 1 | 1 | 3 | 4 |
| 1980 | 1 | 5 | - | 2 | - | 1 | 3 |
| 1981 | 7 | 11 | - | 80 | - | 4 | 6 |
| 1982 | 33 | 2 | - | 53 | - | 8 | - |
| 1983 | - | - | - | 1 | - | 11 | - |
| 1984 | - | 7 | - | 5 | - | 17 | 1 |
| 1985 | 1 | 2 | - | 4 | - | 11 | 2 |
| 1986 | 2 | 12 | - | 31 | - | 36 | 2 |
| 1987 | 1 | 2 | - | 1 | - | 28 | 2 |

## TABLE 6

Number of claims negotiated by the Board 1977- 1987.

| Year | Route, Situation or Design | Compensation | Total |
|---|---|---|---|
| 1977 | 20 | 30 | 50 |
| 1978 | 11 | 12 | 23 |
| 1979 | 3 | 15 | 18 |
| 1980 | 4 | 9 | 13 |
| 1981 | 51 | 51 | 102 |
| 1982 | 38 | 58 | 96 |
| 1983 | 2 | 8 | 10 |
| 1984 | 38 | 28 | 66 |
| 1985 | 11 | 33 | 44 |
| 1986 | 54 | 48 | 103 |
| 1987 | 51 | 50 | 101 |

## TABLE 7

Number of claims negotiated by the Board by Expropriating Authority Involved 1977 - 1987.

| Year | Sask. Agric. (C&D) | Sask. Highways | Sask. Parks & Ren. Resources | Sask. Power | Sask Supply & Services | Sask. Tel | Misc. |
|---|---|---|---|---|---|---|---|
| 1977 | 5 | 3 | - | 13 | 16 | 13 | - |
| 1978 | 2 | 4 | 1 | 1 | 5 | 5 | 5 |
| 1979 | 3 | 9 | - | 1 | 1 | 3 | 1 |
| 1980 | 1 | 5 | - | 2 | - | 2 | 3 |
| 1981 | 7 | 11 | - | 80 | - | 4 | - |
| 1982 | 33 | 2 | - | 53 | - | 8 | - |
| 1983 | - | - | - | 1 | - | 9 | - |
| 1984 | 32 | 3 | - | 5 | - | 26 | - |
| 1985 | 1 | 9 | - | 7 | - | 25 | 1 |
| 1986 | 3 | 15 | - | 36 | - | 48 | 1 |
| 1987 | 4 | 7 | - | 34 | - | 54 | 2 |